

# **Exhibit 1**

3RD DISTRICT COURT - SALT LAKE  
SALT LAKE COUNTY, STATE OF UTAH

MIGUEL E JOACHIN TOMAS vs. GENERAL MOTORS LLC

CASE NUMBER 180907063 Product Liability

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CURRENT ASSIGNED JUDGE

KEITH KELLY

PARTIES

Plaintiff - MIGUEL E JOACHIN TOMAS

Represented by: GREGORY B WALL

Represented by: CORY R WALL

Defendant - GENERAL MOTORS LLC

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	610.00
	Amount Paid:	610.00
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S

	Amount Due:	360.00
	Amount Paid:	360.00
	Amount Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: JURY DEMAND - CIVIL

	Amount Due:	250.00
	Amount Paid:	250.00
	Amount Credit:	0.00
	Balance:	0.00

PROCEEDINGS

09-21-18 Filed: Complaint (Jury Requested)

09-21-18 Case filed

09-21-18 Fee Account created	Total Due:	360.00
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09-21-18 Fee Account created	Total Due:	250.00
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09-21-18 COMPLAINT - NO AMT S	Payment Received:	360.00
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09-21-18 Judge KEITH KELLY assigned.

09-21-18 JURY DEMAND - CIVIL	Payment Received:	250.00
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09-21-18 Filed: Return of Electronic Notification

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CASE NUMBER 180907063 Product Liability

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11-14-18 Filed return: Summons on Return upon SUZANNE PETERSON for

Party Served: GENERAL MOTORS LLC

Service Type: Personal

Service Date: November 13, 2018

11-14-18 Filed: Return of Electronic Notification

CORY R. WALL, NO. 4937  
GREGORY B. WALL no. 3365  
WALL & WALL, P.C.  
Attorneys for Plaintiff  
2168 E. Fort Union Blvd.  
Salt Lake City, Utah 84121  
Telephone: (801) 274-3100  
Facsimile: (801) 365-8223  
Email: cory.wall@walllegalsolutions.com

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**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE  
COUNTY, WEST JORDAN DEPARTMENT, STATE OF UTAH**

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MIGUEL E. JOACHIN-TOMAS,

Plaintiff,

vs.

GENERAL MOTORS, L.L.C., a Michigan  
limited liability company, doing business  
in the state of Utah under the registered  
name of General Motors Company, and  
JOHN DOES 1-10,

Defendants.

**COMPLAINT  
(JURY REQUESTED)  
(Tier 3)**

Civil No. 180907063

Judge Keith Kelly

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COMES NOW the Plaintiff, Miguel E. Joachim-Tomas, by and through his  
counsel of record, Cory R. Wall, of Wall & Wall, P.C., for cause of action against the  
defendants claims and alleges as follows:

### **GENERAL ALLEGATIONS**

1. The Plaintiff, Miguel E. Joachim-Tomas, is a resident of Salt Lake County, state of Utah, and has been so at all times material to this action..

2. The Defendant, General Motors, L.L.C., a Michigan Limited Liability Company, with its principal place of business being located in Detroit, Michigan, is doing business in the state of Utah under the registered name of General Motors Company, and is duly registered with the Utah Department of Commerce, and is subject to the jurisdiction of this Court as provided by Utah Code Annotated §78-27-24.

3. At the times herein mentioned defendant General Motors Company, through its Chevrolet Motor Division, organized under the laws of the state of Michigan, and engaged in the manufacture of Chevrolet Avalanche motor vehicles, which were sold in the state of Utah to various wholesalers and retailers for distribution to the general public as ultimate consumers.

4. The true names, capacities or relationships of the Defendants identified above as John Does 1 to 10, inclusive are presently unknown to the Plaintiff at the time of the filing of this action. Plaintiff sues these Defendants by those fictitious names and will ask permission of the Court to amend this Complaint to show their true names, capacities or relationships when they have been ascertained. Plaintiff alleges that all of the fictitious Defendants designated in this action were joint tortfeasors with the Defendants named above and were jointly and severally responsible in some manner for the events

and happenings, referred to in this Complaint, that proximately caused the injuries sustained by the Plaintiff and damages to the Plaintiff as set forth below.

5. Jurisdiction and venue are proper in this Court due to the residence of the Plaintiff in Salt Lake County, state of Utah and due to the fact that the events set forth herein below which resulted in the injuries and damages to the Plaintiff occurred in Salt Lake County, State of Utah.

6. While so engaged in the manufacture and sale of Chevrolet Avalanche motor vehicles defendant General Motors LLC, through its Chevrolet Division, sold a certain 2007 Chevrolet Avalanche motor vehicle to a certain retailer in the state of Utah, which was engaged in the sale of such vehicles, and which vehicle was purchased by AutoMaxx, Orem, state of Utah, and then ultimately purchased by the plaintiff in 2012.

7. The Plaintiff is the owner of the said 2007 Chevrolet Avalanche motor vehicle which was designed, manufactured, and sold by the Defendants, General Motors L.L.C., which plaintiff purchased in or about 2012 from AutoMaxx, of Orem, Utah, a retailer, for use as a family vehicle.

8. Defendant sold the vehicle with the intention that it reach consumers or users in working order. This vehicle has an electric seat warmer as part of the original manufacture.

9. That on or about September 23, 2016, the plaintiff, a paraplegic, using the vehicle so sold by defendant, was being driven by his wife in said vehicle with the

electric seat warmer activated. While plaintiff was using said vehicle he sustained the following injuries, to-wit:

- a. Third degree burns.
- b. Hospitalization at the University of Utah Burn Clinic.
- c. Scarring.
- d. Severe lingering pain.

10. At the time of the incident the plaintiff was using the vehicle for its intended use and was unaware of any defect in the electric seat heating unit, or of any danger to plaintiff as a result of using it.

11. When plaintiff took possession of the vehicle on the date of purchase the plaintiff is informed and believes, and in reliance thereon alleges, that the product was then in the condition existing when the product was produced and sold by defendant.

12. When plaintiff sustained the injuries alleged above the vehicle was in a defective condition unreasonably dangerous to a user or consumer in that the electrical heating unit substantially over heated causing severe burns to the plaintiff. Such condition was not observable by plaintiff who, lacking the technical knowledge and skill required to disassemble and examined the heated seat in the vehicle at the time of sale by the defendant, and such defective condition of the electrically heated seat in the vehicle was a direct and proximate cause of the injuries so sustained by plaintiff.

13. As a direct result of such breach of duty by defendants, and each of them, and the defective condition of the electrically heated seat in the vehicle, plaintiff sustained the following damages, to-wit:

- a. Medical costs.
- b. Body scarring and disfigurement.
- c. Severe physical pain and suffering which persists to this day.

WHEREFORE, plaintiff demands judgment against the defendants, and each of them, in an amount deemed fair and just by the court, but in any event not less than the amount of \$500,000.00 for body disfigurement, pain, suffering, medical bills and costs, and limitation of mobility and body functions. Judgment should be granted against defendants and in favor of plaintiff in said sum, plus such further and additional damages and relief as to the court may seem just in the premises, together with interest on any such judgment awards.

DATED this 20<sup>th</sup> day of September, 2018.

/S/ ***Cory R. Wall***  
\_\_\_\_\_  
CORY R. WALL  
WALL & WALL P.C.  
Attorneys for Plaintiff



CRW  
 Bringhurst Process Service  
 60 E Claybourne Ave  
 Salt Lake City, Utah 84115  
 (801) 561-4278



THIRD DISTRICT COURT  
 STATE OF UTAH, COUNTY OF SALT LAKE

MIGUEL E JOACHIN-TOMAS ,	)	
Plaintiff(s)	)	
	)	
vs.	)	
	)	<b>PROOF OF SERVICE</b>
GENERAL MOTORS LLC, et al,	)	Case No. 180907063
Defendant(s)	)	
	)	
Party to serve:	)	
GENERAL MOTORS LLC C/O CSC	)	
	)	

Process: Summons and Complaint  
 Court Date:

THE UNDERSIGNED PERSON HEREBY CERTIFIES:

- 1) I served the attached process, referenced therein.  
 in the manner indicated below
- 2) I was at the time of service over the age of 18 years.
- 3) I am not a party to this action.

**Party To Serve: General Motors Llc C/o Csc .**

Date Served: 11/13/2018 2:50 Pm  
 Address Of Service: 15 W S Temple Ste 1701, Salt Lake City , Ut 84020

Served on business or organization by giving a copy to Suzanne Peterson , who is a(n) registered agent, (authorized to receive pursuant to utah code 16-17-301(1)), of said organization, designated to receive service of such process pursuant to Rule 4-(d)(1), Utah Rules of Civil Procedure.

I certify under criminal penalty of the State of Utah that the foregoing is true and correct.  
 Executed on 11/13/2018

Neil Swensen #364  
 Server

SERVICE FEE: \$ 40  
 CORY R WALL  
 2168 E FORT UNION BLVD  
 SALT LAKE CITY, UT 84121

Docket: 1748506

CORY R. WALL, NO. 4937  
GREGORY B. WALL, NO. 3365  
WALL & WALL, apc  
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**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH**

<p>MIGUEL E. JOACHIN-TOMAS,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>GENERAL MOTORS, L.L.C., a Michigan limited liability company, doing business in the state of Utah under the registered name of General Motors Company, and JOHN DOES 1-10,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>SUMMONS</b></p>   <p>Case No. 180907063</p> <p>Judge Keith Kelly</p>
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THE STATE OF UTAH TO THE ABOVE-NAMED DEFENDANT, GENERAL MOTORS, L.L.C.:

You are hereby summoned and required to file an Answer in writing to the attached Complaint with the Clerk of the above entitled Court at 450 South State Street, Salt Lake City, Utah 84111, and to serve upon, or mail to, Cory R. Wall or Gregory B. Wall, Wall & Wall, apc, at 2168 E. Fort Union Blvd., Salt Lake City, Utah 84121, a copy

of said answer within TWENTY-ONE (21) days after service of this summons upon you. If you fail to so answer, judgment by default will be taken against you for the relief demanded in said Complaint which has been filed with the Clerk of the above-named court and a copy of which is hereto annexed and herewith served upon you.

DATED this 12th day of November, 2018.

/s/ Cory R. Wall  
CORY R. WALL  
Attorney for Plaintiff

**Serve Defendant at:**  
**Serve Registered Agent:**  
**Corporation Service Company**  
**15 West South Temple, Suite 1701**  
**Salt Lake City, Utah 84101**